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FEATURES

Pens & Needles 18

The baby boomers' concern with aging, children and the environment, and their openness to alternative therapies, has made for enlivening changes in health publishing

By John Bethune

DEPARTMENTS

NEWS OF THE WEEK 9

Harper Gets Archer Books Plus Film and TV Rights

Laffont to Unite With Groupe de la Cité

HarperCollins U.K. Acquires Unwin Hyman

AAP Sales Report for May

Ghostwriter of Novel Wins Right to Credit, But Bitter Dispute Goes On

New York State Case to Test 'Opinion' in Libel Suit

Art Museum Figure To Join Abbeville

Urbach Is CCC's New Chairman

300 'Face Forward' at 12th Annual Scholarly Publishing Meeting

USIA Panel Meets on Book Donations, East Europe Exchanges

Daniel Is CEO at Springer-Verlag

De Benedetti Prevails in Latest Round for Control Of Mondadori

Grolier Launches Family Imprint

TRADE NEWS 34

Recording the Ephemeral—Art of West African Women

Several Houses' Fall Lists Take Aim at the Civil War

Short Takes

BOOKSELLING 37

Regional Trade Shows: 1990 Fall Schedule

PW INTERVIEWS 41

Jay Parini

FORECASTS 43

Nonfiction 43
Fiction 47
Paperbacks 53
How-To Books 57

COLUMNS

Highlights 5
Letters 6
Calendar 8
People 16
My Say: *Mike Shatzkin* 31
Rights 32
Talk of the Trade 33
Southern Spotlight 40
Weekly Exchange 60
Paperback Bestsellers 62
Hardcover Bestsellers 64

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HarperCollins U.K. Acquires Unwin Hyman

Conglomeration in British publishing advanced a stage further July 10 with the announcement that Unwin Hyman, one of the few remaining medium-sized independents, has been acquired by HarperCollins U.K.

The deal, for which no figure was disclosed, covers the whole of the capital of the company, which was formed in 1986 by the merger of Allen & Unwin and Bell & Hyman. Unwin Hyman's revenues in 1989 exceeded $28 million and it has 200 employees in Britain and overseas.

The U.S. subsidiary, Unwin Hyman Inc. of Boston, will become part of HarperCollins North America. A management buyout is being concluded for the Australian subsidiary and similar negotiations are being held with the New Zealand subsidiary.

Unwin Hyman's previous shareholders were Unwin Enterprises (owned by the family of the legendary publisher Sir Stanley Unwin), followed by Hambros Bank and the family of Robin Hyman, the company's chairman and chief executive.

Hyman said, "The fit within HarperCollins for our trade, academic and educational publishing could not be better, and the substantial resources offered by this highly respected worldwide company with such first-class marketing will enable these lists to flourish."

HarperCollins CEO Terry Kitson told *PW* that both Unwin Hyman staff and employees of Thorsons, the New Age house Collins acquired last year, would eventually move into the new premises in Hammersmith, where HarperCollins is due to relocate later this year.

Job Loss Expected

Some job losses among Unwin Hyman's U.K. staff of about 120 are expected. "We're surveying the problem of redundancies," said Kitson, adding that "the full effects of the acquisition will be seen once we have moved." He said he expected layoffs to be "kept to a minimum, as there will be many opportunities in an expanding company, which wants to grow its education list." He said no decisions have been made on whether the Unwin Hyman name will be retained.

—VIVIENNE MENKES

Ghostwriter of Novel Wins Right to Credit, but Bitter Dispute Goes On

Virginia Gardner, the ghostwriter of the Berkley mass market novel *Mirror, Mirror* that appeared in January 1988 under the sole byline of socialite Betsy Von Furstenburg, has won the right in a settlement to be credited as co-author.

Gardner had sued Von Furstenburg, her agent Jeanne Drewsen and the Putnam Berkley Group. Although the agreement, in the form of a consent decree, was reached June 26, eight days after a jury trial began in U.S. District Court in Manhattan, the dispute continued out of court.

It was sparked by a press release issued by Gardner's lawyer James W. Dabney, an intellectual property litigator who is her husband and a partner in the New York-based firm of Pennie & Edmonds. The release said that Gardner "claimed that Putnam's publication of her work under Von Furstenburg's name violated state, federal and foreign country statutes prohibiting false attributions of authorship."

Dabney was quoted as saying that "This is the first case since the United States joined the Berne Convention in 1989 to test authors' rights to credit for their work." Quoted later, he said, "The injunction sends a clear message: authors have statutory, property-based rights to credit for their work, which publishers ignore only at their peril."

Gardner's opponents say the quarrel was a contract matter and that statutory claims were not an issue.

Berkley Breaks Silence

Because of "misrepresentations" in the press release and subsequent news stories, Karen Mayer, vice-president and general counsel for the Putnam Berkley Group, said she was breaking with the publisher's policy of not discussing litigation. "In my 11 years of practice I have never seen a case that involved more of a waste of resources. This was a very simple contract dispute." She said Berkley had no contract with Gardner, only with Von Furstenberg.

"It was plain to us at Berkley that had the case gone to the jury, we would have won hands down. But it was also plain, because of the ferocity of emotions, that the case would have gone on to appeal. In a determination with the other defendants, we felt the settlement made sense. It contains no admission of liability but only an acknowledgement of Virginia Garnder's role in the preparation of the book." Of the many factors involved in the settlement, Mayer said the primary one was "we didn't want to waste more time and money." She emphasized that the consent decree had no precedential value.

Jeanne Drewsen, Von Furstenburg's lawyer, said the settlement was "very favorable" for her client as to the financial agreement. Under terms of the consent decree, the amount is to remain confidential. A public relations spokesperson for Gardner, who had asked for damages of $500,000, said the sum was "in six figures." A Berkley lawyer, Lee Kinnally of Gibney, Anthony and Flaherty, said Berkley had agreed to pay only Gardner's attorneys' fees.

Drewsen said that "Gardner's statutory claims were not adjudicated in any way" and she claimed that Judge Thomas P. Griesa consistently reminded Dabney that the case involved only contracts. Two were signed in 1983. Drewsen said the first was an agreement between Von Furstenburg and Berkley to publish the book. The second, Drewsen said, was between Von Furstenburg and Gardner providing that Gardner would write the book, would have primary responsibility and would do so for one-third of

AAP Sales Report for May

Category	% change, May*	% change, YTD
Adult hardcover	-18.9	4.3
Adult paperback	3.4	14.2
Juvenile hardcover	33.9	19.6
Juvenile paperback	25.7	18.9
Univ. pr. hardcover	15.7	12.6
Univ. pr. paperback	87.3	26.9
Bibles, etc.	64.9	25.9
Mass market paperback	14.3	21.2
Book club	1.3	-1.5
Mail order	-11.2	-12.4
Sci-tech	-2.6	12.6
College texts	1.1	19.5
School texts	2.9	8.6

*Percent changes measured against same time periods, 1989.